THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20303 of 2005

ORDER:

The petitioner seeks a declaration that the action of the respondents in not recognizing him as Scheduled Caste and not issuing a certificate to that effect as illegal, arbitrary and contrary to the provisions of Constitution (Scheduled Caste) Order 1950.

The father of the petitioner hails from the state of
Utter Pradesh. The petitioner and his family belong to a caste known as 'Dharkar'. That caste is included in the list of Scheduled Caste in the Constitution (Scheduled Caste) Order 1950, insofar as it relates to the state of Utter Pradesh. The request of the petitioner for issuance of a certificate that he belongs to Scheduled Caste was not acceded to by the Mandal Revenue Officer, Aswapuram of Khammam district, where the petitioner is said to be residing at present.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The Constitution (Scheduled Caste) Order, 1950, had recognized a group of castes in the respective areas as Scheduled Castes. Such recognition is typical to the concerned area. A comparison of the lists and examination thereof disclose that some of the castes, which are recognized as Scheduled Castes in certain areas are treated in a different way and capacity in other parts of India. It, therefore, emerges that an individual can acquire the status of a Scheduled Caste and enjoy the benefit thereof, only with reference to the area, in which it is so recognized as Scheduled Caste. It is impermissible for extension of such benefit in an area or State where the caste is not so recognized.

Admittedly, the petitioner belongs to a caste known as ‘Dharkar’ and that it does not find place in the list of Scheduled Caste in the state of Andhra Pradesh. The petitioner cannot claim the benefit of Scheduled Caste in the state of Andhra Pradesh, on the ground that the caste to which he belongs was recognized as Scheduled Caste in the state of Utter Pradesh. Therefore, no exception can be taken to the view adopted by the respondents and this Court is not inclined to grant any relief to the petitioner.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 15-09-2005

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